

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference JM03002WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/IB2004/003515	International filing date (<i>day/month/year</i>) 25.10.2004	Priority date (<i>day/month/year</i>) 31.10.2003	
International Patent Classification (IPC) or national classification and IPC D04H3/00, D04H3/08, D04H3/12			
<p>Applicant JOHNS MANVILLE EUROPE GMBH</p>			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 2 sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/IB2004/003515

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages 1, 2, 4-6 as originally filed/furnished 08.07.2005 with letter
 pages* 3, 3a received by this Authority on of 07.07.2005
 pages* _____ received by this Authority on _____
 the claims:
 nos. 1-14 as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* _____ received by this Authority on _____
 nos.* _____ received by this Authority on _____
 the drawings:
 sheets _____ as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____
 a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/IB2004/003515

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	YES
	Claims 1, 8	NO
Inventive step (IS)	Claims	YES
	Claims 1-14	NO
Industrial applicability (IA)	Claims 1-14	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

The claim does not meet the requirements of PCT Article 6 because the subject matter for which protection is sought is not clearly defined.

The claim attempts to define its subject matter in terms of the result to be achieved, and in doing so merely states the problem addressed, that of producing an interlining having a latent shrinkage force ranging from 2N/5cm to 20N/5cm. How is this result achieved?

The applicant misrepresents the actual technical features of claim 1. Features which relate to a subsequent use cannot identify the subject matter of claim 1.

Claim 1 relates to an interlining defined by the following features: the interlining comprises a consolidated polyester filament non-woven bonded with a binder and having a latent shrinkage force ranging from 2N/5cm to 20N/5cm.

It must be recognised that the phrase "which counteracts the drafting forces that arise during subsequent treatments carried out at higher temperatures when

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PCT/IB2004/003515**Box No. V** **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

"producing composite materials" does not represent a technical feature.

The expression "suitable for" is optional and does not restrict the claim. Consequently, it cannot be considered as a restricting feature during examination.

The present application does not meet the requirements of PCT Article 33(2) because the subject matter of claim 1 is not novel over the described prior art (PCT Rule 64.1-64.3).

Document US-A-4 429 002 (D1) (column 1, lines 49-53; column 2, lines 9-26) describes an interlining comprising a reinforcement-free, consolidated polyester filament non-woven bonded with a binder and having a latent shrinkage force. D1 describes a mixture of polybutylene terephthalate filaments and polyester filaments, which is likewise a polyester.

Claim 1 requires a polyester without identifying the exact details of the polyester.

D1 does not explicitly disclose that the shrinkage force ranges from 2N/5cm to 20N/5cm. However, this range of 2N/5cm to 20N/5cm is a normal, customary range for a shrinkage force, i.e. the shrinkage force ranging from 2N/5cm to 20N/5cm is already implicitly disclosed in D1.

Dependent claims 2-7 and 9-14 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the EPC

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**
novelty and inventive step requirements.

At present, it is not possible to recognise what part of the application could form the basis for a new, allowable claim.